

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MARSHALL CARTER, JR.,)
)
Plaintiff,) 8:04cv524
)
vs.) ORDER
)
T. D. GENSLER, M.D.,)
)
Defendant.)

The court previously considered the plaintiff's motion for leave to proceed in forma pauperis ("IFP") while the plaintiff was a prisoner. However, the records of the Court indicate that the plaintiff is no longer incarcerated. A prisoner who is released from custody after filing a civil complaint may file a motion for leave to proceed IFP based on the changed circumstances caused by release from prison. If IFP status is then granted, the plaintiff is relieved of any liability for the balance of the filing fee. Therefore, the plaintiff shall file an Application for Leave to Proceed IFP as a nonprisoner. See, e.g., McGann v. Comm'r, Social Security Admin., 96 F.3d 28, 30 (2d Cir. 1996) ("A released prisoner may litigate without further payment of fees upon satisfying the poverty affidavit requirement applicable to all non-prisoners.").

IT IS THEREFORE ORDERED:

1. That the Clerk of the Court shall send the plaintiff the form for requesting leave to proceed IFP;
2. That the plaintiff shall complete the form and return it to the court by May 27, 2005;
3. That the plaintiff shall continue to keep the court informed of the plaintiff's current address at all times while this case is pending.

DATED this 17th day of May, 2005.

BY THE COURT:

s/F.A. GOSSETT
United States Magistrate Judge